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Labour law changes thrill Merit Alberta, but leave unions crying foul

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The Alberta legislature ended the spring session with the passage of controversial changes to the province's labour laws.

The Alberta government introduced Bill 26, the Labour Relations Amendment Act 2008, in the afternoon on June 2. After more than eight hours of debate, the bill passed at around 3:15 a.m. on June 5.

The new bill requires employees in the construction sector to have worked for an employer for 30 days before participating in a union certification vote. Even when a union earns the right to certify, employees will have 90 days to reconsider their decision to join a union.

The government designed the new provisions to prevent "salting" — planting unionized workers on a construction site before a certification vote — as a union organizing tactic in the construction sector. The unions see Bill 26 as a ban on union organizing for short-term projects.

The creation of market enhancement recovery funds (MERFs), which were used by union contractors to submit more competitive bids for projects in relation to non-union contractors, has also been restricted.

"It was absolutely wonderful in terms of dealing with this issue. It has been a long time coming," said Bill Steward, vice-president of Merit Alberta, who was in the legislature for two days listening to the debate on Bill 26. "From our perspective this has been studied and studied and recommended and recommended," said Bill Steward, vice-president of Merit Alberta, who was in the legislature for two days listening to the debate on Bill 26. "This is good news and its been a long time in coming."

"We (Merit) identified MERFing and salting as the two main problems in the construction industry," he said.

Opponents to Bill 26 are concerned about the pace at which the bill was passed by the legislature. They believe this process prevented proper consultation and debate on the issue.

"We knew they would ram it through," said Gil McGowan, president of the Alberta Federation of Labour.

"We were working with the opposition to continue the debate and try to force the government to explain why legislation was actually needed. There is no compelling reason why these changes had to be made."

"The challenge we face is that the government made a decision to hit us hard and fast, in order to limit our ability to respond before the legislation was passed. We had less than 72 hours to digest the legislation, contact our members and organize a response."

Steward said he isn't concerned about the fast tracking of Bill 26, because these issues have been discussed by the industry for years.

"This is an outstanding issue. To suggest the government has sprung something on people, that they were not aware about, is not accurate," he said.

"They are cleaning up outstanding pieces of business and this is just some housekeeping they have acted on."

McGowan said he believes the main motivation behind the changes to the labour code was a desire by the government to help a close friend.

"This bill was a gift to non-union contractors, in particular, Merit Contractors Association, who have been pushing for these changes for at least five years," he said.

"Some say the bill is retaliation for the advertising campaign we ran during the last provincial election, but the roots of this bill run much deeper. Both Klein and Stelmach have been considering these changes for at least five years."

Stewart has a different view about how the legislative process works.

"We put our case to the government and the unions put their case to the government. At the end of the day, the government took our side," he said. "If Bill 26 is a reward and we are such good friends with the government, why did it take 15 years?"